

# BROOKFIELD WATER POLLUTION CONTROL AUTHORITY

Wednesday, November 17, 2021, 7:00 p.m.

## MINUTES

### Zoom Call-In Info:

<https://us02web.zoom.us/j/82601674722?pwd=UHU4bnVsZjk5TzZkVi9XSfQxSFVsQT09>

Meeting ID: 826 0167 4722

Passcode: 111721

### 1. Convene Meeting

#### **WPCA:**

N. Malwitz  
J. Murray  
L. Donovan  
L. Trojanowski-Marconi  
G. Giacobone  
M. Brown

#### **Others:**

R. Prinz, Chief of Maintenance  
K. McPadden, Executive Administrator  
M. Ongaro, Collector  
T. Strid, Maintenance Crew Member  
J. Sienkiewicz, Attorney  
M. Allred, Accountant  
J. Kelley, Langan Engineer  
A. Kennedy, Recording Secretary

### 2. Approval of Minutes – 10/27/21 - **L. Trojanowski-Marconi made a motion to approve the minutes from 10/27/21. L. Donovan seconded the motion and it carried unanimously.**

### 3. Accountant Report

- a. Monthly Financials - M. Allred discussed the monthly financial report.
- b. Status of Audit for FYE June 30, 2021 - K. McPadden reported that the trial balance was updated this week, and according to the Town's Controller, the entire financial statement will be submitted to the auditors by Thanksgiving and then they have until December 31<sup>st</sup> to submit their findings.
- c. Automating Payment Process between IC and QDS - No update.

### 4. New Business

- a. 887 Federal Road – Application to Connect - *Rafael Marin and Steve Sullivan were present.* R. Marin said the application is for a two-story building with four commercial spaces and eight apartments. There was a single-family residence there, but it was demolished, and the area cleared. The Authority reviewed the application and the site plans submitted. **G. Giacobone made a motion to accept the application for 887 Federal Road and forward it to Langan for review – Application to Connect as submitted, subject to the receipt of \$4,000 for inspection and engineer fees. J. Murray seconded the motion and it carried unanimously.**
- b. 468 Federal Road – Request to Authorize Transfer of Sewer Connection Permit - *Attorney Peter Olsen, Land Use and Conservation Counsel, was present.* Attorney P. Olsen said the owner of this property is Danbury Hospital, formerly known as New Milford Hospital Inc., and that entity has a contract with Demarcate LLC, for the sale of the property. He said after signing that contract, Demarcate went through the process of getting approvals for a 112-unit apartment complex known as Brookfield Mews. Demarcate LLC received an approval from the WPCA for a sewer connection permit and Community Sewer System approval. He said recently Demarcate LLC entered into a contract with TCHE Properties to sell the property. He said it is TCHE's intention to build that project, as soon as possible, after receiving all necessary approvals. He said in August Demarcate, LLC was before the WPCA requesting an extension of their sewer connection permit, which was granted, and extended the sewer connection permit by one year. There were several conditions included as part of the extension and read aloud the minutes pertaining to that motion for the record. Attorney P. Olsen said they are here tonight to ask them to modify those conditions in order to transfer the sewer connection permit to TCHE Properties. They would like the WPCA

to delete condition number one, and substitute where it says “Demarcate LLC”, to instead read “Permit Holder”. He said if they see fit to make these changes, TCHE will execute the permanent maintenance agreement and arrange for it to be recorded with their deed. He noted the WPCA regulations do not have any provisions in them regarding transferring permits. He said they would like the WPCA’s help in facilitating this transaction in order to make this project happen. He said they are willing to file and/or sign any documents that the WPCA needs, such as new application forms, but would like to incorporate the prior documents. He said given the conversation about the proposed moratorium, it is important to them that this approval be preserved and transferred to them. K. McPadden said Alfred Mattikow submitted a letter this afternoon and he wants to make sure that if the transfer is not approved, that his approval remains. Attorney J. Sienkiewicz said in three years the prior applicant never signed the permanent maintenance agreement, and as far as he is concerned the application was never completed. He said he doesn’t have any real problem with the new applicant submitting a new application. Attorney J. Sienkiewicz said he feels there is nothing to be transferred since the permanent maintenance agreement was never signed and Demarcate LLC never purchased the property, the application was never completed. Chairman N. Malwitz said if there are no changes to the plans, the WPCA can waive the new application fees. **L. Trojanowski-Marconi made a motion on the representation that TCHE Properties LLC is proposing the Brookfield Mews Project, in accordance with the previously approved plans, the Authority is authorizing TCHE Properties LLC to submit proper applications for sewer connection permit and for community sewage system and approves a waiver of the \$3,500 application fee for the community sewage system. J. Murray seconded the motion and it carried unanimously.**

5. **Old Business**

- a. Will Serve Letter Request from 500A & 518 Federal Road (Tabled from 9/29/21) - *Application has been withdrawn.*
- b. To act upon Proposed Regulation Changes & Amended Water Pollution Control Plan – Chairman N. Malwitz said the First Selectman of Brookfield and the Mayor of Danbury are aware of the situation but are not officially seated yet, so cannot do anything officially yet. He discussed possible resolutions and said hopefully the two officials can work it out. Attorney J. Sienkiewicz said all the data he has seen shows us exceeding 380,000 gallons by 2023, even without permitting anything further. He said he recommends not to agree to a reduction and thinks they should impose the moratorium.

Attorney B. Sweeney was present and said he represents AR Builders at 857 Federal Road. He said there is a major disconnect with what is going on at Town Hall and what they are talking about here tonight. He said his client has been working for the past 11 months with the Town Zoning and Planning officials. He said they are up for approvals tomorrow night with the Zoning Commission and there has been no talk of capacity issues or a moratorium. They were unaware of the WPCA’s meeting on the 27<sup>th</sup>. He said there is a disconnect if the Town officials are promoting this type of development while there are capacity issues. He said he encourages them to hold off on the moratorium to allow the political officials to try to work it out. He also said that as other developers, like his client, come into town, if the town officials are not telling them about the issues with the WPCA, then they need to make sure that message is getting to them somehow. He said his client has come here in good faith and has spent hundreds of thousands of dollars on engineering and at the eleventh hour has found out that there are issues with capacity. He said that is not fair and is not good business practice.

The Authority discussed the situation in detail, including the pros and cons of imposing the moratorium at this point and possible solutions going forward. L. Donovan said she thinks they should impose the moratorium now, in order to make this a mandatory priority for the politicians, otherwise this issue might not get resolved for a few months. G. Giacobone said he agrees. Chairman N. Malwitz proposed tabling the moratorium to the next meeting and read the following statement for the record:

As to the issue of a Brookfield Sewer moratorium, the matter stirred a constructive dialogue with key area developers. The consensus was to hold off until there is better clarity as to a potential agreement to increase allowable flows between Danbury and Brookfield. It is widely agreed that this is the first and best option. This matter is on-hold as a new Brookfield First Selectman and new Danbury Mayor are not due to be seated until early December. Neither official elect feels it is their part to assume duties in advance.

Separately, this week the State has agreed to fund a \$1,500,000 Planning Grant at 55% to bring the Candlewood and Pocono Road projects to the point of Public Hearing and a town wide vote for Bond financing. Part of this project is to determine how the waste should be handled. That solution will add future capacity allowing the recent spike in development to continue. This could involve citing one or more package waste treatment plants in Brookfield, probably in the north end of town. However, this will require the Town to sponsor the Planning Grant project at 45%. The funds will need to be borrowed then returned when the bond funding arrives. A bond would be paid for in the conventional way, that is through a Benefit Assessment on improved properties. Issues for a Brookfield waste treatment option are citing and permitting of package treatment plants. This will take time but are doable. The Brookfield WPCA is anticipating further sessions with key developers and elected officials as schedules allow.

The current regulations at Section 1.2 say, "To ensure that the Town does not exceed its available treatment capacity, no sewer connection or discharge permit shall be issued by the Authority with respect to any property ... applications for Sewer Connection and Discharge Permits shall be considered only when the Authority determines that the public sewer system and existing sewage treatment capacity is capable of conveying and adequately treating the sewage to be discharged."

Brookfield does not have the current capacity to accept any further applications unless additional capacity is secured. Consequently, it is proposed that time be given for the town leaders to meet to work out a solution. Should no solution be immediately clear the moratorium will be put in place in December. **L. Trojanowski-Marconi made a motion to table Proposed Regulation Changes & Amended Water Pollution Control Plan to the December meeting. G. Giacobone seconded the motion and it carried unanimously.**

- c. 2 Production Drive – Application to Connect – *P. DiScala, Property Owner, was present. J. Kelley* discussed the application and plans as reviewed by Langan. He said Langan is recommending that the Authority can approve the application subject to some minor comments. **Chair N. Malwitz made a motion to approve 2 Production Drive – Application to Connect, subject to the terms and conditions in Langan’s letter of November 17, 2021. L. Donovan seconded the motion and it carried unanimously.**
- d. 36 Vale Road – Application to Connect - J. Kelley said this is an application to connect for the existing 8,400 square foot office building with the estimated flow of 150 gallons per day. There is an existing service lateral that was previously installed, so Langan recommends that the application be approved subject to their comments. Chair N. Malwitz noted this application had already been approved, contingent on this letter from Langan, which has now been received.
- e. 19 & 23 Station Road – Application to Connect – *S. Sullivan, CCA, LLC was present. Allan Rothman was also present.* J. Kelley discussed the details of the application, noting the estimated sewage flows are 9,850 gallons per day for the domestic sewage and approximately 1,500 per week for the pool backwash. J. Kelley discussed the prior phases of the Brookfield Village project and noted the approved estimated sewage totals. He said they reviewed the materials and there are some technical comments to the plans that need to be addressed. S. Sullivan discussed the projected and actual sewage flows of the buildings. A. Rothman said they do have some restaurants that are in the construction phase, but Buildings 1 & 4 only have the Italian restaurant La Piazza. He said they are fine with a stipulation for this new phase to not put any restaurants in the space until the moratorium is over. **M. Brown made a motion to table 19 & 23 Station Road – Application to Connect, and 19 & 23 Station Road – Application to Connect**

**Swimming Pool to the next regularly scheduled meeting. L. Trojanowski-Marconi seconded the motion and it carried unanimously.**

- f. 19 & 23 Station Road – Application to Connect Swimming Pool – See above
- g. 138 Federal Road – Dairy Queen Application to Connect - J. Kelley discussed the application and plans, as reviewed by Langan. He said the estimated flow on the application is 3,000 gallons per day. He said there is an existing on-site sewer line. He said a grease trap is also proposed for the discharge from the building. **L. Donovan made a motion to table the application for 138 Federal Road – Dairy Queen Application to Connect to next month’s meeting. J. Murray seconded the motion and it carried unanimously.**
- h. 101-103-105 Laurel Hill Road – Alternate Sewer Route Application to Connect - *Steve Sullivan, Chris Kinder, David Stewart and Bob Hebert were present.* J. Kelley said that in their review of this application they saw that there were several issues being sent back and forth that Attorney J. Sienkiewicz had comments on regarding the ability to connect. Attorney J. Sienkiewicz said he has two problems with the status of the project. He discussed issues with the proposed easements and the ordinance in Town prohibiting this type of connection, because it requires a separate independent building sewer for each lot. R. Prinz said they could solve that issue by the WPCA taking it over. Attorney J. Sienkiewicz said his suggestion was to get a sewer easement and run a second line. C. Kinder said they did have a chance to take his feedback from the emails back and forth. He said they are fine with either a privately owned easement or a town owned easement. He said their issue is timing because they are trying to solve this before December 31<sup>st</sup>, when the permit is due to expire. The Applicant requested an extension in order to explore these other options. **Chairman N. Malwitz made a motion to extend the execution date of the permanent maintenance agreement and the sewer extension permit to February 18<sup>th</sup>, at which time they expect to have an easement for the force main at 20 Station Road. M. Brown seconded the motion and it carried unanimously.**

**6. Engineer Comments/Project Update**

- a. Route 133 Station Improvements Project - R. Prinz said the mixer is in NJ and they should have it here in a couple of weeks. He said they are not using the newly installed wet well, because without the mixer it becomes a maintenance nightmare. He said the generator has not been delivered yet.
- b. Brookfield Market Area - J. Kelley said the revised electrical estimates were adjusted so they revised their numbers. Chairman N. Malwitz said they are hoping to receive some funds from the ARPA money to help with this project and noted that M. DelValle is representing the WPCA at the ARPA Ad-Hoc Committee Public Forum tonight to discuss the project.
- c. Dean Road/Candlewood Lake Area Project - Chairman N. Malwitz said there was a breakthrough today, as they found out the grant money will be approved by the DEEP. He said the grant was for 55%, so they need to come up with the other 45%, which is \$675,000. He discussed the options they have for these funds.
- d. Other Engineering Matters - Chairman N. Malwitz said he has a meeting regarding the Brookfield Market Area, the Candlewood Lake project and the sewer moratorium with First Selectman Elect Tara Carr on Tuesday morning.

**7. Employee Activity Reports (Roger, Tim, John, Mary, Kristi)**

**Roger:** R. Prinz said last month they had gotten an approval to install a well at the 777 Pump Station, and the Health Dept has now reneged on that approval and an alternate plan is being formulated. He said 25 manhole inflow reduction pans were installed at all low manholes with noticeable reduction of inflow and they ordered 50 additional to be installed as part of the manhole inspection process. He said the Candlewood Lake Road gas main extension installation is continuing and projected to finish by Thanksgiving. He said the 4<sup>th</sup> Quarter BWPCA PS inspections are in progress and 2 out of 14 have been completed. BWPCA controlled lines and manholes are installed for the Laurel Hill sewer extension, and final testing and inspection are remaining. He said the easement work will commence soon, with 2 weeks scheduled for work. He said a sub-contractor will be needed for Greenknoll and County Kids areas to remove 25 years plus of growth.

**Tim:** T. Strid reported that 4<sup>th</sup> quarter inspections are underway and will be completed by the December 31<sup>st</sup> deadline. (2 of 14); yearly inspections are completed. (37 of 37); inspection reports are complete and have been given to M. Ongaro to go out with the December bills. A certified letter was sent to the owner of 640 Federal Rd. (where Pulcinella Restaurant is) where there has been grease bypass and other private pump station issues for years. The letter states the findings of BWPCA and Pembroke Pumping Services inspections of their sewer system with recommendations on how to correct the issues. The building is slated to be sold, and Tim wants to make sure that the buyers are aware of the issues. T. Strid said the new Route 133 pump station wet well is prepped/cleaned and ready for mixer installation, but they are waiting on mixer. He said the millings were installed on the driveway for winter plowing. He said they are waiting on the generator, electrical and final pavement. He said the Caldor water connection and well abandonment is complete, and an invoice was sent to BJ's in the amount of \$10,367.43. The 777 Federal Road Pump Station water connection is off the table - Paul Avery, who originally approved the well installation won't sign off because we cannot get the proper 75' clearance. In place of the new well, a transfer pump will be purchased, and we will discharge water from the Still River for cleanings. The estimated cost of the pump is \$5-\$7,000. T. Strid said the Railroad Pump Station water connection to Aquarion public water is complete and the total cost was \$11,066. T. Strid said with the changes to the project parameters, the total costs will come in approximately \$15,000 under budget. He said work has been prioritized and in-house items are underway and subbed out items are scheduled with our electrician for the week of November 29<sup>th</sup>. T. Strid said all CBYD tickets are accounted for and up to date. He said 4<sup>th</sup> quarter FOG trap inspections are completed. He said surveys of new businesses are accounted for and up to date and resurveying work of many businesses in town have also been done recently. He said restaurants and businesses whose unit charges had been reduced during COVID, have been put back to their original unit charges or have been resurveyed and charged accordingly. T. Strid gave an update of ongoing inspections. He said the BWPCA Public MH inspections are underway and said he and R. Prinz have a good hold on the progress, and they are currently above the curve and on track to complete in FY22. T. Strid said a prioritized list of work will be set up for Andy Sincali for the week of November 29. He said the gas main relocation work on Federal Road has begun as part of next year's projects. He said 300' of gas main will be relocated between 322-336 Federal rd., into the middle of the south bound lane and all sanitary sewer conflicts have been relayed to the contractor and CTDOT. T. Strid said the Lower Federal Rd. gas line relocation (approx. 500') will take place between the new Dairy Queen location and south to the right turn lane to BJ's. This work will be done during overnight hours.

**John:** J. Siclari discussed the time and attendance program UKG (Ultimate Kronos Group). He said the training is to start at town hall this week. The WPCA will begin parallel time punching 11/21/21-12/4/21 and 12/5/21-12/18/21, with the plan is to go live 12/19/21. He discussed the Lower Federal Rd improvements CDOT 18-135 update, and said the latest plan is to relocate utilities this fall (starting this week) and start road construction in Spring of 2022. He said construction will continue thru Fall 2023. He discussed the water and gas line extension projects: Huckleberry Hill School (Candlewood Lake School) Project: Water line installation is completed. He said Eversource Gas is working on CLR gas line extension plans. He said he requested a copy of design, nothing yet. Construction to start this fall. Gas line installation nearing completion. Aquarian water main extension from 58 Vale Rd to Sandy Ln Village plans are being reviewed with Snyder Civil Engineering. He discussed the QDS/IC issue: He was told that type 6 Usage and type 8 PPS have been corrected. J. Siclari discussed getting quotes on Cyber Insurance. Coughlin Insurance through Future Sub Nets provided a quote from Nationwide for a \$1M policy for \$1,531 a year. Waiting on quote from Corvus Insurance through Town. We requested Certificate of Liability Insurance docs from our vendors stating they have Cyber Insurance coverage. We received all back. Town will be initiating cyber security "DUO" multi-factor authentication – details to follow. John sent FSI the Town's plan (DUO) and will follow up with them. John and Nelson met with Albert from FSI – they will send the WPCA a proposal for our cybersecurity plan.

**Kristi:** K. McPadden said she confirmed payroll import mapping is correctly set up with Paychex to allow for UKG payroll import (to begin with next weeks' payroll, which will be imported on 11/29). She said she invoiced the property owner of BJ's (Samuels & Associates) for well abandonment & water connection at 64 Federal Road \$10,367.43 but have not received payment yet. She said

Permanent Maintenance Agreement annual “actuarial adequacy” 2<sup>nd</sup> notices went out in September and there are still 2 accounts that haven’t turned in their reports. She said she will be working on the Record Retention plan in conjunction with John who is looking into electronic document storage. She said the audit trial balance was updated this week, the Town received OPEB information on 11/5, the depreciation schedule was updated by the Town, the entire financial statement will be submitted to the auditors by Thanksgiving, and they have until 12/31/21 to submit their findings to the Town. She said she and Tim completed a dozen or so surveys for Mary to update QDS prior to billing. All restaurants were raised back to pre-covid rates. K. McPadden said she would like to see an addition to the regs for salons (hair and nail), as well as dentist offices. Right now, all of these use an unwritten rule (from Sheila’s time) to establish the unit rate. She said she had a meeting with Paychex, and we will be saving about \$78/wk by switching plans and doing away with check delivery. K. McPadden said she requested the Wetlands bond release from the Rollingwood project and the WPCA will get back \$1,500 from the Town following the Board of Selectmen’s approval in December. She discussed sewer connection inquiries: 115 Pocono Road (USPS), 701 Federal Road, 75 Candlewood Lake Road, 857 Federal Road (application received 11/16). K. McPadden said Legal Notices were set up in the DNT for 12/1/21 bill notices (3 notices); and bill inserts ordered and received for 12/1/billing.

**Mary:** M. Ongaro said she is still working on payments that are coming in. She had to reschedule the TSI training. She said she has updated property transfers and quite a few surveys were entered into the record. She said she worked with QDS to resolve some issues they had. She noted she did the trick or treat event at town hall and reminded everyone of the Thanksgiving lunch on Tuesday at town hall.

**8. Legal Matters**

- a. Collections - Attorney J. Sienkiewicz said he sent out 5 collection letters, and two people called regarding payment plans.
- b. Insurance Requirement Update - No discussion.
- c. American Rescue Plan Grant Request to TOB – Discussion above under 6.b.
- d. Other Legal Matters - No discussion.

**9. Other WPCA Matters**

- a. December meeting/Holiday Party - The Authority decided to hold their December meeting on Wednesday December 15<sup>th</sup>, and the holiday party on Thursday December 16<sup>th</sup>.

**10. Vouchers - L. Trojanowski-Marconi made a motion to approve the vouchers as submitted. J. Murray seconded the motion and it carried unanimously.**

**11. Adjournment - L. Trojanowski-Marconi made a motion to adjourn at 10:38 p.m. L. Donovan seconded the motion and it carried unanimously.**

\*\*\* Next meeting December 15, 2021 \*\*\*